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EEO
Spotlight

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New Selection Guides Issued

The Departments of Labor and Justice and the Civil Service Commission have announced the signing of employee testing and selection guidelines which they will use to help eliminate job discrimination and assure equal employment opportunities.

The full text of the new document was published in the **Federal Register** for November 23, 1976, to be effective 30 days from the date of publication.

The testing and selection guidelines, which affect employment practices of the Federal Government, State and local governments and Federal contractors and subcontractors, are designed to provide consistent and practical guidance on fair employee selection procedures.

The guidelines update the agencies' policies on testing and selection procedures by incorporating current standards of the psychological profession for validating employee selection procedures and recent legal decisions affecting such procedures.

The Labor Department will use the guidelines in enforcing Executive Order 11246, as amended, which prohibits Federal contractors from job discrimination based on race, color, religion, sex or national origin.

The Civil Service Commission will apply the guidelines to the hiring and placement practices of Federal agencies and in carrying out its responsibilities for helping State and local governments improve their personnel practices.

The Justice Department will follow the guidelines in enforcing Federal equal employment opportunity requirements.

Additionally, the signatory agencies recommend that all Federal agencies enforcing equal employment opportunity requirements adhere to the guidelines.

The guidelines, titled the "Federal Executive Agency Guidelines on Employee Selection Procedures," will be used by the CSC to amend employee selection procedures in the Federal Personnel Manual. They also replace the Testing and Selection Order issued by the Labor Department's Office of Federal Contract Compliance Programs which administers Executive Order 11246, as amended. They will be adopted by the Department of Justice as an official statement of policy.

The Departments of Justice and Labor and CSC decided to adopt the new guidelines because:

(1) they are in accord with professionally accepted standards of test validation;

(2) Federal guidelines now in use are more than five years old and, therefore, do not take into account subsequent psychological and legal developments;

(3) the new guidelines are applicable to the Federal Government itself, as well as to Federal contractors and subcontractors;

(4) the new guidelines are more practical and realistic than existing guidelines and provide more guidance to users seeking to comply with Federal law;

(5) the new guidelines bring consistency to at least three Federal agencies and thus are a step toward achieving a uniform Federal position on employee testing and selection procedures.

The American Psychological Association, an association representing the nation's psychologists, welcomed the proposed new guidelines as "consistent with the best available knowledge concerning effective use of selection procedures in employment decisions," and as "concise, realistic and much needed."

IWY's State Meets

The National Commission on the Observance of International Women's Year (IWY) will sponsor during the next year 56 State and Territorial meetings concerned with women's rights and responsibilities. A National Women's Conference is scheduled to be held in November, 1977 in Houston, Texas.

The Commission stated that it would strive for "overall participation nationwide from the widest range of organizations and constituencies."

The Congress has appropriated $5 million for the meetings and extended the life of the IWY Commission to March 31, 1978. The legislation, Public Law 94-167, outlines the intent and requirements of the meetings: to re-examine the barriers women face, to develop recommendations aimed at ending those barriers, and to establish timetables for the achievement of the recommendations. Congress also designated the IWY Commission as the instrument for carrying out the law.

Initial grants will be given to States and Territories for their meetings, which will be held before November 1977. The IWY Commission has appointed State Coordinating Councils to implement the conferences.

DoA's EEO Approach

Agency heads are accustomed to making the opening remarks at an Equal Employment Opportunity Conference, but one agency head spent three days recently with all of the regional directors and all regional Federal Women's Program and Spanish Speaking Program Coordinators and Chairpersons of regional EEO Committees to plan the agency's approach to human resources management. This occurred at the Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture's Third Annual Equal Employment Opportunity Evaluation Conference in Atlanta.

The APHIS Administrator, Dr. Frank Mulhern, used the conference to actively involve himself and APHIS's top management in evaluating the past year's activities and problems. Based on these discussions, the participants made recommendations to improve the EEO program for the coming year.

Training courses designed to help the participants become more productive leaders in equal employment opportunity were given. Speakers from a variety of areas within the EEO community led discussion sessions focusing on top management responsibility in the special emphasis programs, the EEO counseling system, upward mobility, discrimination complaints, basic leadership skills, committee management, action plan development, and others.

During the conference, EEO awards were presented by the Deputy Administrators.

For more information contact James E. Sykes, EEO Coordinator, USDA, APHIS, OA, Room 1168-S, 14th and Independence Avenue, SW, Washington, DC 20250, 202-447-2743.

Among the 105 participants at the APHIS Conference were (1 to r) James E. Sykes, Director of EEO staff; Vi Sanchez, SSP Coordinator; Cynthia Mercado, EEO Specialist; Gene Crawford, FWP Coordinator; and , Colonel Locklear, American Indian Coordinator.

EXPO '76 at Justice

Some 4700 persons recently attended an exposition held by the Department of Justice for its employees, highlighting contributions to the Department made by women, Blacks, Hispanics, Native Americans, Asian Americans and the handicapped. The activities, called "EXPO '76", consisted of lectures, workshops and panel discussions designed to inform all employees of programs, services and opportunities available to them in the Department. Anthropologist Margaret Mead was the keynote speaker.

Sessions for general audiences provided information to assist in career planning and development. Specialized sessions were offered to managers, supervisors, personnelists and equal employment opportunity personnel to motivate, encourage and guide on-going EEO efforts within the Department and its components.

The Department of Justice arranged the program to reinforce and illuminate its commitment to equal opportunity in employment and, through planned discussion groups, training sessions and the participation of prominent officials, to highlight its EEO efforts.

Topics featured during the five-day event included upward mobility, training opportunities, the discrimination complaint process, career planning and development, the special emphasis programs (Federal Women's Program, Spanish Speaking Program, Black Affairs Program, and Selective Placement Program for Handicapped Individuals) and others. Guest speakers and panelists from the Federal and private sectors participated. Former Pennsylvania Governor Raymond P. Shafer spoke at the closing session.

EXPO '76 and its predecessor activities at the Department have contributed to the overall progress which the Department has made since 1970 in the employment of women and minorities. The number of minorities in the Department has grown from slightly less than 5,000 to more than 10,000 during the period November 1970 to March 1976. Presently, nearly 20 percent of all employees of the Department are minorities. Women have been integrated into all facets of law enforcement. Women now serve in full-time positions as Federal Bureau of Investigation Special Agents, Deputy U.S. Marshals and Border Patrol Agents.

EEO Coordinating Council's New Policy Statement

The Equal Employment Opportunity Act of 1972 established the Equal Employment Opportunity Coordinating Council. Comprised of the Secretary of Labor, the Attorney General, the Chairman of the Equal Employment Opportunity Commission, the Chairman of the U.S. Civil Service Commission, and the Chairman of the U.S. Commission on Civil Rights or their respective delegates, the Coordinating Council is charged by law with responsibility for, among other matters, developing and implementing agreements, policies and practices on equal employment opportunity.

The Council recently issued a policy statement on affirmative action programs for State and local governments. This statement represents a significant agreement on the part of the Council agencies. Following is a reprint of the statement as it appeared in the September 13, 1976 Federal Register:

EQUAL EMPLOYMENT OPPORTUNITY COORDINATING COUNCIL

Affirmative Action Programs for State and Local Government Agencies

Policy Statement

The Equal Employment Opportunity Coordinating Council was established by Act of Congress in 1972, and charged with responsibility for developing and implementing agreements and policies designed, among other things, to eliminate conflict and inconsistency among the agencies of the Federal government responsible for administering Federal law prohibiting discrimination on grounds of race, color, sex, religion, and national origin. This statement is issued as an initial response to the requests of a number of State and local officials for clarification of the Government's policies concerning the role of affirmative action in the overall equal employment opportunity program. While the Coordinating Council's adoption of this statement expresses only the views of the signatory agencies concerning this important subject, the principles set forth below should serve as policy guidance for other Federal agencies as well.

1. Equal employment opportunity is the law of the land. In the public sector of our society this means that all persons, regardless of race, color, religion, sex, or national origin shall have equal access to positions in the public service limited only by their ability to do the job. There is ample evidence in all sectors of our society that such equal access frequently has been denied to members of certain groups because of their sex, racial, or ethnic characteristics. The remedy for such past and present discrimination is twofold.

On the one hand, vigorous enforcement of the laws against discrimination is essential. But equally, and perhaps even more important, are affirmative, voluntary efforts on the part of public employers to assure that positions in the public service are genuinely and equally accessible to qualified persons, without regard to their sex, racial or ethnic characteristics. Without such efforts equal employment opportunity is no more than a wish. The importance of voluntary affirmative action on the part of employers is underscored by Title VII of the Civil Rights Act of 1964, Executive Order 11246, and related laws and regulations—all of which emphasize voluntary action to achieve equal employment opportunity.

As with most management objectives, a systematic plan based on sound organizational analysis and problem identification is crucial to the accomplishment of affirmative action objectives. For this reason, the Council urges all State and local governments to develop and implement results oriented affirmative action plans which deal with the problems so identified.

The following paragraphs are intended to assist State and local governments by illustrating the kinds of analyses and activities which may be appropriate for a public employer's voluntary affirmative action plan. This statement does not address remedies imposed after a finding of unlawful discrimination.

2. Voluntary affirmative action to assure equal employment opportunity is appropriate at any stage of the employment process. The first step in the construction of any affirmative action plan should be an analysis of the employer's work force to determine whether percentages of sex, race or ethnic groups in individual job classifications are substantially similar to the percentages of those groups available in the work force in the relevant job market who possess the basic job related qualifications.

When substantial disparities are found through such analyses, each element of the overall selection process should be examined to determine which elements operate to exclude persons on the basis of sex, race, or ethnic group. Such elements include, but are not limited to, recruitment, testing, ranking, certification, interview, recommendations for selection, hiring, promotion, etc. The examination of each element of the selection process should at a minimum include a determination of its validity in predicting job performance.

3. When an employer has reason to believe that its selection procedures have the exclusionary effect described in paragraph 2 above, it should initiate affirmative steps to remedy the situation. Such steps, which in design and execution may be race, color, sex or ethnic "conscious," include, but are not limited to, the following:

The establishment of a long term goal, and short range, interim goals and timetables for the specific job classifications, all of which should take into account the availability of basically qualified persons in the relevant job market;

A recruitment program designed to attract qualified members of the group in question;

A systematic effort to organize work and re-design jobs in ways that provide opportunities for persons lacking "journeyman" level knowledge or skills to enter and, with appropriate training, to progress in a career field;

Revamping selection instruments or procedures which have not yet been validated in order to reduce or eliminate exclusionary effects on particular groups in particular job classifications;

The initiation of measures designed to assure that members of the affected group who are qualified to perform the job are included within the pool of persons from which the selecting official makes the selection;

A systematic effort to provide career advancement training, both classroom and on-the-job, to employees locked into dead end jobs; and

The establishment of a system for regularly monitoring the effectiveness of the particular affirmative action program, and procedures for making timely adjustments in this program where effectiveness is not demonstrated.

4. The goal of any affirmative action plan should be achievement of genuine equal employment opportunity for all qualified persons. Selection under such plans should be based upon the ability of the applicant(s) to do the work. Such plans should not require the selection of the unqualified, or the unneeded, nor should they require the selection of persons on the basis of race, color, sex, religion or national origin. Moreover, while the Council believes that this statement should serve to assist State and local employers, as well as Federal agencies, it recognizes that affirmative action cannot be viewed as a standardized program which must be accomplished in the same way at all times in all places.

Accordingly, the Council has not attempted to set forth here either the minimum or maximum voluntary steps that employers may take to deal with their respective situations. Rather, the Council

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statement

recognizes that under applicable authorities, State and local employers have flexibility to formulate affirmative action plans that are best suited to their particular situations. In this manner, the Council believes that affirmative action programs will best serve the goal of equal employment opportunity.

Respectfully submitted,

Harold R. Tyler, Jr.,
Deputy Attorney General and Chairman of the Equal Employment Coordinating Council

Michael H. Moskow,
Under Secretary of Labor.

Ethel Bent Walsh,
Acting Chairman, Equal Employment Opportunity Commission

Robert E. Hampton,
Chairman
Civil Service Commission.

Arthur E. Flemming,
Chairman,
Commission on Civil Rights.

Because of its equal employment opportunity responsibilities under the State and Local Government Fiscal Assistance Act of 1972 (the revenue sharing act), the Department of Treasury was invited to participate in the formulation of this policy statement; and it concurs and joins in the adoption of this policy statement.

Done, this 26th day of August 1976.

Richard Albrecht,
General Counsel,
Department of the Treasury.

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Editor: Ed Shell

The Chairman of the U.S. Civil Service Commission has determined that the publication of this periodical is necessary in the transaction of public business required by law of this agency. Use of funds for printing of this periodical has been approved by the Director, Office of Management and Budget through June 30, 1977.

ADEA Notes

Do age discrimination complaints come more often from women than men as a reflection of the special employment problems of older women? Available statistics show the incidence of age discrimination complaints from women is actually somewhat less than from men when compared with their representation in the Age Discrimination in Employment Act (ADEA) protected age group (40 to less than 65) in the Federal civilian workforce.

According to Fiscal Year 1975 information the Civil Service Commission has received from agencies; of Federal employees who were age 40 to less than 65, some 64 percent were men and 36 percent were women. The same percentages occurred for white collar Federal employees in the protected age group. Of closed age discrimination complaint cases, men had filed the complaints about 70 percent of the time and women about 30 percent.

CSC Bulletin Number 713-43—"Part 713 Age Discrimination Complaints: Notification of the Right to File a Civil Action"—dated August 31, 1976, has been distributed to Federal departments and agencies. The bulletin provides interim guidance and clarification, pending issuance of revised Part 713 regulations and related Federal Personnel Manual material, on notifications to age discrimination complainants of their right to file civil action.

2¢ Worth

The Federal Equal Employment Opportunity Committee in Cheyenne, Wyoming is getting in its "two cents worth" by way of a newsletter appropriately called "Two Cents Worth." The Committee is sponsored by the Federal Executive Council of Cheyenne. The newsletter provides information in condensed or digest form for the area EEO community.

The newsletter was begun three years ago on an unscheduled basis. During the past year it has become a scheduled quarterly publication of some 12 pages with an area circulation of some 500. According to the editor, Ineke Peters, the newsletter received its name from a section of the "Reader's Digest." "Two Cents Worth" has received national acclaim and serves as an example of good communication in the EEO area.

For more information contact Ineke Peters, Editor, TWO CENTS WORTH, c/o Federal Highway Administration, P.O. Box 1127, Cheyenne, Wyoming 82001.

Him or Her?

Appearing in the Friday, September 24, 1976 FEDERAL REGISTER was the following entry concerning avoidance of single gender language.

"The Office of the Federal Women's Program of the Civil Service Commission recommends the avoidance of single gender language. To comply with this recommendation, Chapter I of Title 5 of the Code of Federal Regulations is amended by changing the masculine pronouns he, his, or him to he or she, his or her, or him or her."

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